

Filed by:

Merits Panel
Board of Patent Appeals and Interferences
Mail Stop Interference
U.S. Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed:
July 13, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KAREN M. SLIMAK
and
ROBERT ANDREW SLIMAK
(Patents 6,040,057, 6,146,766, and
Application 10/803,199)
Junior Party,

v.

ROBERT GRANTHAM
and
JOHN S. WARREN
(Application 09/769,713)
Senior Party

Patent Interference No. 105,123

Judgment – Request for Adverse – Bd. R. 127(b)

Before TORCZON, DELMENDO, and MOORE, *Administrative Patent Judges*

MOORE, *Administrative Patent Judge*

Grantham has filed a Request for Adverse Judgment (Paper 124) as to count 1 of this interference.

Upon consideration of the Request for Adverse Judgment, it is hereby:

ORDERED that judgment on priority as to Count 1 (Paper 1, page 4) is awarded against senior party ROBERT GRANTHAM and JOHN S. WARREN.

FURTHER ORDERED that senior party ROBERT GRANTHAM and JOHN S. WARREN is not entitled to a patent containing claims 25, 26, 27, and 28 (corresponding to Count 1) of application 09/769,713.

FURTHER ORDERED that a copy of this paper shall be made of record in the files of applications 09/769,713 and 10/803,199 and in the files of patents 6,040,057 and 6,146,766.

FURTHER ORDERED that as the parties have stated that there is a settlement agreement, the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) [see former rules 37 CFR §1.661 and §1.666].

<u>/Richard Torczon/</u>)	
RICHARD TORCZON)	
Administrative Patent Judge)	
)	
<u>/Romulo H. Delmendo/</u>)	BOARD OF PATENT
ROMULO H. DELMENDO)	
Administrative Patent Judge)	APPEALS AND
)	
<u>/James T. Moore/</u>)	INTERFERENCES
JAMES T. MOORE)	
Administrative Patent Judge)	

Date: July 13, 2005
Alexandria, VA

Interference No. 105,123

cc: (electronic mail)

For Slimak: Thomas P. Pavelko and Anthony P. Venturino of
Stevens, Davis, Miller & Mosher, LLP

For Grantham: Herbert L. Allen and Enrique G. Estevez of
Allen, Dyer, Doppelt, Milbrath & Gilchrist, PA

Desperтт, Sonja

From: Desperтт, Sonja on behalf of Interference Trial Section
Sent: Wednesday, July 13, 2005 3:43 PM
To: 'Allen, Herbert (ALLEN, DYER)'; 'Estevez, Enrique (ALLEN, DYER)'; 'Pavelko, Thomas (STEVENS, DAVIS)'; 'Venturino, Anthony (STEVENS, DAVIS)'
Subject: Interference No. 105123 (JTM) Paper No. 125 - Judgment - Request for Adverse-Bd.R. 127 (b)



105123.125.pdf